

REMARKS/ARGUMENTS

Claims 16-32 are pending in the instant application by virtue of a Preliminary Amendment filed April 8, 2005 with the entry of the instant application under 35 U.S.C. §371 from the international stage. In that Preliminary Amendment, claims 1-15 were cancelled and claims 16-32 entered.

The examination of the instant application was conducted on now-canceled claims 1-15. The Examiner objected to claims 4-15 as being in improper form. Claims 1-3 were rejected as being anticipated by United States Patent Application 2001/0056256 to Hughes.

Applicants have amended pending claims 16-25 and 28-32 to correct an improper dependency to a canceled claim. Claims 16, 26, and 27 have additionally been amended. Applicant respectfully submits that none of the amendments constitute new matter in contravention of 25 U.S.C. §132. Reconsideration and withdrawal of the rejection are respectfully requested.

Applicant respectfully submits that the rejection of claims 4-15 stand obviated in view of the Preliminary Amendment.

With respect to rejection of claims 1-3 as being anticipated by Hughes, Applicant respectfully notes that Hughes discloses a tube which is wound into a tight helix, similar to a telephone cord.

The present invention, conversely, is directed to a substantially linear tube which is twisted about its longitudinal axis. The present invention is also directed to a method forming a tube of the present invention by rotating its extrusion nozzle as the tube is formed.

Applicant respectfully submits that the tube of Hughes has no longitudinal axis as its tube is helically wound about a helical axis. Therefore, Applicant respectfully submits that

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Hughes fails to include each and every element of the present invention, and it follows that Hughes does not anticipate the present invention.

As the rejections stand obviated by the previous entry of claims 16-32 in substitution of claims 1-15, Applicant respectfully requests reconsideration and withdrawal of the pending rejections.

In view of the amendments and remarks hereinabove, Applicant respectfully submits that the instant application, including claims 16-32, is in condition for allowance. Favorable action thereon is respectfully requested.

Any questions with respect to the foregoing may be directed to Applicant's undersigned counsel at the telephone number below.

Respectfully submitted,

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